

IN THE SENATE OF THE UNITED STATES.

JANUARY 30, 1852.

Ordered to be printed.

Mr. BRODHEAD made the following

REPORT:

*The Committee of Claims, to whom was referred the petition of the Orange and Alexandria Railroad Company, in the State of Virginia, with the documents which accompany it, have had the same under consideration, and report:*

This petition is based upon the following resolution, adopted 15th March, 1850:

*"Be it resolved by the General Assembly of Virginia, That the claim of this Commonwealth against the Government of the United States for the sum of one hundred and twenty thousand dollars, advanced to the United States, by an act of the General Assembly, passed the 27th day of December, 1790, be and the same is hereby transferred to the Orange and Alexandria Railroad Company, and that said company be empowered to demand and receive the same, and the interest thereon; and when recovered of the United States, the said Orange and Alexandria Railroad Company shall issue, for the net amount of such recovery, certificates of stock in the company aforesaid, as so much additional stock therein, to the president and directors of the Literary Fund, which shall be held by them, to the use and benefit of the primary schools, for the purposes of primary education in the Commonwealth."*

The company having thus become the assignee of the State, asks the return to it of the amount furnished by Virginia towards the erection of the public buildings, on the establishment of the permanent seat of the Government of the United States in this District.

The claim was presented to both houses of the last Congress. The Committee of Claims of the House of Representatives made a favorable report, accompanied by a bill providing for the payment of the claim asserted, but it failed to receive the action of the House.

The Senate Committee of Claims, to whom the subject was referred, made a report of facts which they deemed it most proper to submit, and ask the instructions of the Senate upon them. A bill was subsequently passed by the Senate, for the relief of the company.

The claim having been again presented to the Senate, and being for a large amount, and asserted by one of the States, they have deemed it to be their duty to give the subject a full and deliberate consideration, and to bring to the notice of the Senate, facts, history and views not heretofore presented.

It sufficiently appears, from the records of the proceedings of the "commissioners of the federal buildings," that the sum of \$120,000 was received by them from the treasurer of Virginia, upon orders drawn by the President of the United States, and that it was expended by them in carrying on the objects of their appointment.

This money appears to have been paid to the treasurer of the board, and



to have been merged in the general fund, applicable to the purposes of erecting the public buildings, and making the other necessary preparation for the reception of the government.

The first and principal question presented for consideration is, whether this sum was understood and intended by the parties to be in the nature of an advancement or loan to the General Government, to be repaid, either with or without interest? or whether it was a gift or grant of money in consideration of the seat of the Federal Government being located on the banks of the Potomac?

In order to arrive at a proper understanding and determination of this question, it was deemed necessary to fully examine the records and history of the proceedings connected with the location of the seat of the Federal Government.

The States of New York and Pennsylvania, by acts of their respective legislatures, furnished to Congress the use of all necessary public buildings during the time it held its sessions in their respective States. New Jersey also offered the use of public buildings.

On the 23d December, 1784, Congress passed a resolution for the erection of the necessary buildings for the permanent use of the Congress and the public functionaries, near the falls of the Delaware, for which purpose one hundred thousand dollars was appropriated. Commissioners were appointed to carry this resolution into effect; but no further progress was made until May 10th, 1787, when Mr. Lee of Virginia moved the following resolution:

*“Resolved, That the board of treasury take measures for erecting the necessary public buildings, for the accommodation of Congress, at Georgetown, on the Potomac river, soon as the soil and jurisdiction of the said town are obtained, and that on the completion of the said buildings, Congress adjourn their sessions to the said federal town.”*

*“Resolved, That the States of Maryland and Virginia be allowed a credit in the requisition of 1787, or in the arrearages due on past requisitions, for such sums of money as they respectively furnish towards the erection of said buildings.”*

This motion was lost. Affirmative, Massachusetts, New York, Virginia and Georgia. Negative, New Jersey, Pennsylvania Delaware, Maryland and North Carolina.

In 1787 the new constitution was adopted, leaving the resolution for establishing a seat of the Federal Government on the banks of the Delaware unexecuted. New York having appropriated its public buildings to the use of the new Government, Congress met in that city, and on the 6th April, 1789, a quorum of both houses appeared and proceeded to business. On the 15th May following, Mr. White from Virginia presented to the House of Representatives a resolve of the legislature of that State, offering to the Federal Government ten miles square of its territory, in any part of that State which Congress may choose, as the seat of the Federal Government. On the next day, Mr. Seney, of Maryland, submitted an act of the State, offering to the acceptance of Congress ten miles square of its territory, for the seat of the Federal Government.

These were the first movements, under the new constitution, towards the establishment of the seat of Government. Numerous memorials and petitions followed, from citizens of Pennsylvania, New Jersey, and Maryland, for the selection of a site in their respective States.

On the 5th September, 1789, a resolution passed the House of Representatives, “that the permanent seat of the Government of the United States ought to be at some convenient place on the banks of the Susquehanna, in the State of Pennsylvania.”

On the introduction of the bill to carry this resolution into effect, many



feeling was manifested by the southern members, and particularly by the members from Virginia, who earnestly contended that the banks of the Potomac was the most suitable location. Mr. Madison thought, if the proceeding of that day had been foreseen by Virginia, that State might not have become a party to the constitution. (Annals of Congress, vol. 1, page 890.) The bill was passed by the House, by a vote of ayes thirty-nine, noes seventeen. It was amended in the Senate by striking out all that part respecting the Susquehanna, and inserting a clause fixing the permanent seat of Government at Germantown, Pennsylvania, and also providing, that the law should not be carried into effect until the *State of Pennsylvania, or individual citizens of the same, should give security to pay one hundred thousand dollars, to be employed in erecting the public buildings.*"

These amendments were agreed to by the House, with an amendment providing that the laws of Pennsylvania should continue in force in said district, until Congress should otherwise direct. The bill was then returned to the Senate, and the consideration of the amendment of the House was postponed to the next session. Germantown, therefore, was actually agreed upon by both Houses, but the bill failed on account of a slight amendment.

When the subject came up at the next session, Mr. Smith, of Maryland, proposed Baltimore as the location, and said that the inhabitants of that place had *raised a subscription of between twenty and thirty thousand pounds, to erect suitable buildings.*

In the mean time, the legislature of Virginia (on the 3d December, 1789) passed an act, ceding to Congress a district for the location of the seat of Government in that State; also a resolution directing that law to be transmitted to the general assembly of Maryland *without delay*, asking the cooperation of that State in the effort to get the seat of Government fixed on the banks of the Potomac.

The following is the Virginia resolution:

*"Resolved by the General Assembly of Virginia, That a copy of the foregoing act of the 3d December, 1789, be transmitted to the general assembly of Maryland without delay; and that it be proposed to said assembly to unite with this legislature in an application to Congress, that in case Congress shall deem it expedient to establish the permanent seat of the Government of the United States on the banks of the Potomac, so as to include the cession of either State, or a part of the cession of both States, this assembly will pass an act for advancing a sum of money, not exceeding one hundred and twenty thousand dollars, to the use of the General Government, to be applied, in such manner as Congress shall direct, towards erecting public buildings, the said assembly of Maryland, on their part, advancing a sum not less than two-fifths of the sum advanced by this State for the like purpose."*

On the receipt of the Virginia resolution, the assembly of Maryland passed a similar resolution, agreeing to cede the necessary territory, and to furnish seventy-two thousand dollars towards the erection of the public buildings.

New York and Pennsylvania had gratuitously furnished "elegant and convenient accommodations" for the use of the Government, during the seven years that it was located within their respective limits, as appears from the resolutions passed by Congress on its removal. They had offered to continue to do so. New Jersey offered accommodations at Trenton. The citizens of Baltimore, through their representative, proposed to furnish money for the erection of the necessary buildings, in that "town," for the Federal Government. One hundred thousand dollars had been *required to*



*be paid by Pennsylvania, or its citizens, as a condition of the location of the Government in that State.*

This was the state of things when the propositions of Virginia and Maryland were brought forward, to advance one hundred and ninety-two thousand dollars, "to be applied towards erecting public buildings at the permanent seat of the Government of the United States, on the banks of the Potomac."

On the 31st May, 1790, a bill was introduced into the Senate, to determine "the permanent seat of Congress, and the Government of the United States." On the 28th June, this bill being under consideration, memorials were read from citizens of Baltimore, and from inhabitants of Georgetown, for the selection of those places; and a motion being made to insert—"on the river Potomac, at some place between the mouths of the Eastern branch and the Connogochegue, be, and the same is hereby accepted, for the permanent seat of the Government of the United States,"—it passed in the affirmative.

The bill was further amended, as follows:

*"And be it further enacted, That for defraying the expense of such purchases and buildings, the President of the United States be authorized and requested to accept grants of money, and cause to be borrowed a sum not exceeding one hundred thousand dollars, at an interest not exceeding six per cent.," &c.*

In this form the bill was sent to a select committee, consisting of Messrs. Butler of South Carolina, Johnson of Connecticut, Henry of Maryland, Lee of Virginia, and Dalton of Massachusetts. In their report on this part of the bill is the following proposition:

*"Your committee further recommend, that such sums of money as may be offered by the States for the carrying this bill into effect may be accepted of; then the bill will read thus—'and to accept grants of money or land.'"*

The bill was accordingly amended by striking out that part which authorized the borrowing of money for the erection of the public buildings. Yeas nineteen, nays seven. A motion was subsequently made to restore the clause, "and cause to be borrowed a sum not exceeding one hundred thousand dollars, at an interest not exceeding six per cent.," and it was negatived without a division.

The "act for establishing the temporary and permanent seat of the Government of the United States," passed, and was approved by the President on the 16th of July, 1790, fixing the "permanent seat" on the banks of the Potomac, in accordance with the propositions of the legislatures of the States of Maryland and Virginia—and the "temporary seat" at Philadelphia.

In the act, as passed, no authority was granted to borrow money or contract for or accept a loan on any terms, either with or without interest. On the contrary, such authority was expressly denied. It is a general rule that all are bound to take notice of the provisions of a public law. By the fourth section of the act, the President was "authorized and requested to accept grants of money." And to this acceptance of grants his authority was clearly limited. It is not to be presumed that the authorities of Virginia did not know or understand the provisions of this law.

Did President Washington transcend these limits, as prescribed by Congress, when he received from the States of Virginia and Maryland the several sums of money appropriated by their respective legislatures "to



be applied towards erecting public buildings at the permanent seat of the Government of the United States on the bank of the Potomac?"

On the 22d of January, 1791, as appears by the manuscript records in the office of the Commissioner of Public Buildings, President Washington appointed Thomas Johnson and Daniel Carroll, of Maryland, and David Stuart, of Virginia, commissioners under the act of 16th July, 1790, and on the 24th day of the same month he issued his proclamation fixing the "location of one part of the said district of *ten miles square*" on the Virginia side of the Potomac, and the "other part" on the Maryland side. The commissioners met on the 12th April, 1791, and proceeded to execute the duties of their trust. Their first object was to locate the city, acquire the title to the soil, and fix the sites for the principal public edifices. And having accomplished these preliminaries, they applied to the President for the necessary funds to carry on their operations. As many of the public lots as could be properly disposed of were directed to be sold, and the proceeds to be placed in the treasury, and application was made to the President for orders on the States of Maryland and Virginia for the payment of the instalments pledged by those States. In a letter of President Washington, addressed to the commissioners, from Richmond, dated 13th April, 1791, he says:

"Agreeable to the assurance given to Mr. Carroll, I applied, immediately upon my arrival in this city, to Gov. Randolph, for two thousand dollars for federal purposes, under your direction; although, by the law of this State the payments of the \$120,000 are to be made by instalments, the Governor is well disposed to advance the money at earlier periods.

"P. S.—Since writing the foregoing I have again conversed with Gov. Randolph, and have drawn upon him, payable to your order, for forty thousand dollars, being the first instalment."

Governor Randolph also wrote to the commissioners, acknowledging the receipt of the order, and saying that he would meet it as fast as the state of the treasury would allow, and that \$1,000 would be paid immediately.

The commissioners also addressed a communication to the Governor of Maryland, asking for the payment of "*money granted*" by that State.

On the 6th of June, 1792, the commissioners wrote to the Governor of Virginia as follows: "There remains behind a part of the *Virginia donation*, which was receivable for the past year, and urging the necessity of immediate payment."

The following, in reference to the second instalment of Virginia, appears upon the records of proceedings of the board of commissioners of the federal city, viz:

"Received sundry letters, and among them one from the Secretary of State, enclosing the following order:

"PHILADELPHIA, November 13, 1792.

"Sir: Be pleased to pay to Messrs. Johnson, Stuart and Carroll, commissioners of the federal buildings on the Potomac, or to their order, or to the order of any two of them, the second instalment of the moneys granted by the State of Virginia, towards the said buildings.

GEORGE WASHINGTON.

"The TREASURER OF VIRGINIA."

"On the President's order the commissioners made the following endorsement, and delivered it to their treasurer, to wit:

"Pay the contents to Colonel William Deakins, or order.

"DAVID STUART,

"DANIEL CARROLL,

"Commissioners."



This order was forwarded to the commissioners, enclosed in a letter from Thomas Jefferson, then Secretary of State, in which he says, "I have the honor to enclose you the President's order on the treasurer of Virginia for the *second instalment of the money given by that State.*" [See manuscript letter of Mr. Jefferson, dated 13th of November, 1792, on file in the office of Commissioner of Public Buildings.] A similar record appears in reference to the payments of Maryland, viz :

[Record of proceedings of the Board of Commissioners.—Pages 70 and 170.]

"PHILADELPHIA, Dec. 27, 1791.

"Sir : Be pleased to pay to Thomas Johnson, David Stuart and Daniel Carroll, esqs., Commissioners of the Federal District, or to their order, or to the order of any two of them, twenty-four thousand dollars, *given by the Assembly of Maryland* towards defraying the expenses of the public buildings within said district.

"GEO. WASHINGTON.

"THOMAS HOWARD, Esq.,

"*Treasurer of the Western Shore of Maryland.*"

This order was endorsed by the commissioners to William Deakins, jr., their treasurer, and upon it the money appears to have been paid. This would seem to settle very clearly the understanding of General Washington, Mr. Jefferson, and of the executive officers of Maryland and Virginia, of the nature of the "advance" made by those States. A similar order for "the third instalment of the sum given by the Assembly of Maryland," &c., was given by General Washington, dated March 2, 1793.

On the 7th February, 1793, the commissioners, in a communication to Mr. Jefferson, say : "We have as yet received only \$10,000 on the President's second draft on Virginia. We have to-day written to the executive of Virginia, requesting a payment of the balance."

They also address urgent memorials to the governor and to the assembly of Virginia, earnestly and repeatedly soliciting the payment of instalments of the "donation of Virginia" and the "Virginia donation towards erecting the public buildings." In the records and books and in the correspondence of the commissioners, whether with the President, the governor of Virginia, the general assembly of that State, or with other persons, whenever this fund is alluded to, it is designated as the "donation," "grant" or "gift" of Virginia.

Mr. Edmund Randolph, Secretary of State, in a letter to the commissioners dated August 21, 1794, says : "I have this day written to the governor and treasurer of Virginia, stimulating them to the payment of the *arrears of the donation.* Perhaps you had better add a representation of the necessity of the federal city for such a supply."

The foregoing history of the early legislation upon the subject clearly proves, in the judgment of the committee, that Virginia intended the said sum of \$120,000 as a gift or donation, and not a loan, because—

1. No time or manner of repayment is provided for.
2. The President of the United States had no authority to borrow money or contract for a loan. He was only authorized to accept grants of money.
3. The offer of Virginia of the said sum is conditional, provided the seat of government was located near or within her territorial limits; and it was made after Pennsylvania and Baltimore had offered donations or gifts, and when there was a strong probability that Germantown would be agreed upon as the site. There is no reason to infer that Virginia would have ad-



vanced that or any other sum, if the seat of government had remained at Philadelphia, or had been located at Germantown.

4. General Washington calls it a "grant" when drawing his order on Virginia, and a "gift" when drawing on Maryland. The law of Maryland was the same as Virginia. Jefferson calls it at the time a "gift" in one letter, and a "donation" in another. The commissioners and others, when communicating with the authorities of Virginia, called it a "donation." It is designated as a "donation" on their books. Mr. Randolph, then Secretary of State, called it a "donation."

5. There is a presumption against the *legal right* to demand the said sum, arising from lapse of time.

It has been urged that the particular phraseology used in the original proposition of Virginia, contained in the act of 10th December, 1789, implies an obligation upon the part of the United States to refund the money received. The words are, "Virginia will pass an act for *advancing* a sum of money not exceeding one hundred and twenty thousand dollars *to the use* of the general Government," &c. The word "*advance*" to the use of another, does not always create an obligation to repay such advance; but, in this instance, the word must be considered in connexion with the other words used in the same connexion, "to be applied, in such manner as Congress may direct, *towards erecting public buildings*" in a particular place. The money advanced was so applied and the trust executed.

President Washington, it is true, asks, in a letter dated the 29th August, 1793, in "what manner it would be proper to state the accounts with the States of Virginia and Maryland, they having advanced moneys which have not been all expended on the objects for which they were appropriated." The commissioners, in their answer, say: "We have always been of opinion that the donation or loans from Virginia and Maryland, and other means, make but one aggregate, all equally liable to be disposed of for the necessary purposes of *surveying and other expenses of the city*, as well as erecting the public buildings, and have acted on that idea, and the accounts are so kept." On the 5th of September, 1793, he appointed two gentlemen to examine the accounts. From the reply of the commissioners, as well as from the report of the persons appointed to examine their accounts, it clearly appears that the object of President Washington's *quere* was to ascertain whether the funds received from Virginia and Maryland were applicable to the "*public buildings*," *strictly*, or to the general purposes of the commissioners in preparing for the reception of Congress at the new seat of Government.

Congress having, on the said 16th of July, 1790, passed an act in compliance with the invitation of Virginia and Maryland, locating the seat of Government on the banks of the Potomac, it became necessary for Virginia to pass another act, providing for the payment of the money. Accordingly, on the 24th of December, 1790, a bill was introduced into the House of Delegates "for *granting* to the President of the United States the sum of one hundred and twenty thousand dollars for erecting the buildings on the Potomac river, agreeably to the resolution of the last Assembly." When the bill was passed, the title was amended by striking out the word "grant" and inserting "*advance*," and hence it is argued that Virginia did not intend to grant the money, but to loan it. No such inference is authorized by this circumstance. The word *advance* had been used in the original act, and it is presumed that the title of the bill was amended to make it conform thereto.



Provision was only made for paying the money agreed to be advanced, and which the President was authorized to accept, and for a particular purpose.

It has also been urged that the assumption of the State debts by the Federal Government was brought about by connecting it with the question of the federal district, and that Virginia was greatly displeased with such assumption, and would not therefore have been very likely to have given money to erect buildings, &c. The fact is admitted; "secession" and "dissolution" were spoken of at that early day; a "compromise" was resorted to; those who desired the location of the seat of Government on the banks of the Potomac were gratified; and those at the north, under the lead of Alexander Hamilton, obtained the funding system, and Pennsylvania lost the permanent seat of the Federal Government. It is true, Virginia was greatly displeased with the act funding the State debts, but Mr. Jefferson says that the "pill" was "sweetened" by a "concomitant measure," to wit: the location of the Federal Government on the banks of the Potomac. The following extract from Mr. Jefferson's "Memoirs and Correspondence," pages 448 and 449, volume 4, clearly proves how the business was managed. Mr. Jefferson says:

"The great and trying question (the assumption of the State debts) however, was lost in the House of Representatives. So high were the feuds excited by this subject, that, on its rejection, business was suspended. Congress met and adjourned from day to day without doing anything, the parties being too much out of temper to do business together. The eastern members particularly, who, with Smith from South Carolina, were the principal gamblers in these scenes, threatened *secession and dissolution*. Hamilton was in despair. As I was going to the President's one day, I met him in the street. He walked me backwards and forwards before the President's door for half an hour. He painted pathetically the temper into which the legislature had been wrought; the disgust of those who were called the creditor States; the danger of the secession of their members, and the separation of the States. He observed that the members of the administration ought to act in concert; that though this question was not of my department, yet a common duty should make it a common concern; that the President was the centre on which all administrative questions ultimately rested, and that all of us should rally around him and support, with joint efforts, measures approved by him; and that the question having been lost by a small majority only, it was probable that an appeal from me to the judgment and discretion of some of my friends might effect a change in the vote, and the machine of government now suspended might be again set in motion. I told him that I was really a stranger to the whole subject; that not having yet informed myself of the system of finance adopted, I knew not how far this was a necessary sequence; that undoubtedly, if its rejection endangered a dissolution of our Union at this incipient stage, I should deem that the most unfortunate of all consequences, to avert which, all partial and temporary evils should be yielded. I proposed to him, however, to dine with me the next day, and I would invite another friend or two, bring them into conference together, and I thought it impossible that reasonable men, consulting together coolly, could fail, by some *mutual sacrifices of opinion, to form a compromise* which was to save the Union. The discussion took place. I could take no part in it but an exhortatory one, because I was a stranger to the circumstances which should govern it. But



it was finally agreed to, that whatever importance had been attached to the rejection of this proposition, the preservation of the Union and of concord among the States was more important, and that therefore it would be better that the vote of rejection should be rescinded, to effect which, some members should change their votes. But it was observed that this pill would be peculiarly bitter to the southern States, and that *some concomitant measure should be adopted to sweeten it a little to them*. There had before been a proposition to fix the seat of Government either at Philadelphia or at Georgetown, on the Potomac; and it was thought that by giving it to Philadelphia for ten years, and to Georgetown permanently afterwards, this might, as an anodyne, calm in some degree the ferment which might be excited by the other measure alone. So two of the Potomac members (White and Lee, but White with a revulsion of stomach almost convulsive) agreed to change their votes, and Hamilton undertook to carry the other point. In doing this, the influence he had established over the eastern members, with the agency of Robert Morris, with those of the middle States, effected his side of the agreement, and so the assumption was passed."

The following extracts from the speeches of members of Congress in the debate upon the final passage of the bill locating the seat of the Federal Government where it now is, clearly show the views and understanding of those who passed the law. To ascertain what answer the law-makers would give to a question of construction, is always a good way to get at the intention of a law:

[Annals of Congress, volume 2, pages 1718 to 1731.]

Mr. LEE, of Virginia, remarked: That while the present position continued to be the seat of Government, the agriculture of the States to the eastward is invigorated and encouraged; while that to the southward is languishing and expiring. He then showed the fatal tendency of this preponderating encouragement to those parts of the country already considered as the strongest parts of the Union; and from the natural operation of these principles he inferred that the interest of the southern States must be eventually swallowed up. The decision of the Senate, (said he,) affords a most favorable opportunity to manifest the magnanimity of soul which shall embrace, upon an extensive liberal system, the best interests of the great whole. This cannot be done while the present unequal situation of the seat of Government of the United States continues. Nations have their passions as well as individuals. He drew an alarming picture of the consequences to be apprehended from *disunion*, ambition and rivalry. He then gave a pleasing sketch of the happy effects to be derived from a national, generous and equal attention to the southern and northern interests. Will gentlemen, said he, blast this prospect by rejecting this bill? I trust they will not.

"It is true," said Mr. Lee, "that the citizens of this place (New York) have put themselves to great expense to accommodate the Government, and are entitled to much praise for their exertions; but he wished to take up the subject upon national grounds," &c.

"He then moved that the papers received from the Executive of Virginia be read, which was done." [It is presumed the papers alluded to were the resolutions of Virginia, offering money and land.]

Mr. BURKE, of South Carolina, said: It was unjust to the people of New  
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York to remove from that city till the expense they had incurred was repaid to them. It was a breach of honesty and justice. It was injustice to the State—to the whole nation. He entered into a consideration of their sacrifices and services. He spoke in handsome terms of Pennsylvania; but he was afraid of their influence, and thought if they obtained the temporary seat of Government, it could never be removed from Philadelphia.

Mr. MADISON remarked: Sir, we should calculate on accepting the bill as it now stands; we ought not to risk it by making any amendments. We have it now in our power to procure a southern position; the opportunity may not again speedily present itself. We know the various and jealous interests that exist on this subject. We should hazard nothing. If the Potomac is struck out, are you sure of getting Baltimore? May no other places be proposed? Instead of Baltimore, is it not probable we may have Susquehanna inserted—perhaps the Delaware? Make any amendment, sir, and the bill will go back to the Senate. Are we sure it will come into our possession again? By amending we give up a certainty for an uncertainty. In my opinion we shall act wisely if we accept the bill as it now stands; and I beg leave to press it on gentlemen not to accept of any alteration, lest it be wholly defeated and the prospect of obtaining a southern position vanish forever.”

Mr. WHITE, of Virginia: “After the present ferment is subsided, this position [on the Potomac] will be *considered as a permanent bond of Union*; and the eastern States will find their most essential interests promoted by the measure.” He adverted to the trade of Massachusetts, which, he said, was greater to Virginia than to the whole Union besides: “the southern States will be cordial in promoting their shipping and advancing their interests, when they observe that the principles of justice influence them on this great national question.”

In view of the foregoing history, facts and considerations, the committee conclude and decide, that if the United States could be sued, the claimants could not recover, either in a court of law or equity.

The question then arises, whether, considering the sum advanced to be a “gift” or “donation,” it should be repaid. As such its repayment is not asked, and therefore the committee do not undertake to decide the question, but refer it to the judgment of the Senate.

The committee, however, are unanimously of opinion, that if, looking to all the circumstances of the advance made by Virginia, and viewing it as a “donation” or “grant,” the Senate should determine that it is just and proper to repay the same, then the sum of \$72,000 advanced by Maryland should also be repaid, and a reasonable compensation made to the States of New York and Pennsylvania for the use of their public buildings by Congress and the public officers, prior to the removal of the seat of Government to Washington.

The records show that Congress and the public officers occupied the public buildings fitted up by, and belonging to, the State or city of New York, for a period of about one year and six months, and the public buildings in Philadelphia, then belonging to the State of Pennsylvania, from the 6th of December, 1790, to about the close of the year 1800, a period of about ten years. It is believed that twenty thousand dollars would be a reasonable compensation to be offered to New York, and one hundred thousand dollars to the State of Pennsylvania. It does not appear that either State ever received any thing more than thanks. At that time the



government was poor and burdened with the immense debt of the Revolution.

The committee therefore submit the following resolution :

*Resolved*, That the committee be discharged from the further consideration of the subject.



statement was given and handed with the income of the Bureau.

The committee therefore submit the following resolution:  
Resolved, That the committee be discharged from the duties assigned them.